

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>PUSH PEDAL PULL, INC., Formerly known as The R. D. Rogers Company,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>KENT CASPERSON, individually, and 2nd WIND EXERCISE EQUIPMENT, INC.,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: right;">4:13-cv-04057-RAL</p> <p style="text-align: center;"><u>PROPOSED ORDER</u></p>
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The Plaintiff requested counsel participate in a Rule 26(f) conference, but Defendants' counsel declined and asked this Court for an order authorizing a delay pending the Court's consideration of the Plaintiff's motion to remand. Plaintiff then moved to have the Court schedule a pretrial conference to discuss discovery issues. At this time the Court has under consideration Plaintiff's motion to remand. Defendants were served with interrogatories and requests for documents at the time they were served with the summons and complaint, in late April 2013, and 90 days have passed. As an alternative to scheduling a Rule 16 conference, Plaintiff has also requested that the Court issue an order allowing the parties to engage in discovery.

Based upon all the files, records and proceeds herein, **IT IS HEREBY ORDERED THAT:**

- 1) Defendants' motion to delay a Rule 16 conference is denied.
- 2) A Rule 16 conference is set for August ____, 2013, at _____

_____;

OR

- 3) the parties may from this point forward engage in discovery, and
 - a) Defendants shall respond to Plaintiffs' previously served interrogatories and request for documents on or before August 14, 2013, and produce responsive documents by August 14, 2013.

Prior to making a motion for preliminary injunctive relief in this Court, Plaintiff's counsel shall contact the undersigned to consider how to proceed if the Plaintiff's motion for remand is still pending.

BY THE COURT:

Dated: _____, 2013.

Judge of District Court

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